

108TH CONGRESS
1ST SESSION

H. RES. 137

Expressing the sense of the House of Representatives that changes to Title IX athletics policies contradict the spirit of athletic equality and gender parity and should not be implemented, and that Title IX should be kept intact.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2003

Ms. SLAUGHTER (for herself, Mrs. JOHNSON of Connecticut, Mr. GEORGE MILLER of California, Mr. KILDEE, Ms. SOLIS, Ms. WOOLSEY, Ms. DELAURO, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Ms. MILLENDER-MCDONALD, Ms. LORETTA SANCHEZ of California, Mrs. MALONEY, Mr. ANDREWS, Mr. PAYNE, Mr. FARR, Mrs. CAPPS, and Mr. BISHOP of New York) submitted the following resolution; which was referred to the Committee on Education and the Workforce

RESOLUTION

Expressing the sense of the House of Representatives that changes to Title IX athletics policies contradict the spirit of athletic equality and gender parity and should not be implemented, and that Title IX should be kept intact.

Whereas title IX of the Education Amendments of 1972 (Public Law 92–318), also known as the “Patsy Takemoto Mink Equal Opportunity in Education Act” (hereafter referred to as “Title IX”), prohibits education programs or activities that receive Federal funding from discriminating on the basis of gender, including in their athletic programs and activities;

Whereas prior to 1972 and the enactment of Title IX, virtually no college offered athletic scholarships to women, fewer than 32,000 women participated in collegiate sports, and women's sports received only 2 percent of the schools' athletic dollars;

Whereas according to the Department of Education's 1979 Policy Interpretation, educational institutions may demonstrate compliance with Title IX in one of 3 ways: by providing participation opportunities for male and female students in numbers substantially proportionate to their respective full-time enrollments, by showing a history of program expansion responsive to the interests and abilities the underrepresented athletes' sex, or by demonstrating that the interests and abilities of the members of the underrepresented sex have been fully and effectively accommodated by the present program;

Whereas the 1979 Policy Interpretation and its 3-part test has been in place for over 2 decades and has been supported by both Republican and Democratic administrations;

Whereas 2 out of 3 schools comply with prongs 2 or 3 of the 3-prong compliance test;

Whereas the Office of Civil Rights of the Department of Education issued a clarification letter in 1996 regarding the 3-prong test, confirming that institutions can comply with Title IX's requirement of non-discriminatory participation opportunities by meeting any single part of the 3-part test; setting out specific examples for compliance to guide institutions, and confirming that there are no strict numerical formulas for determining Title IX compliance;

Whereas the 1979 Policy Interpretation and the 1996 letter of clarification provide educational institutions with ample and fair guidance on compliance with Title IX and provide flexibility to institutions so that they may determine for themselves how best to comply with the law;

Whereas the enforcement mechanism of Title IX, the 3-part test, has been upheld by 8 Federal Courts of Appeals as legal and valid;

Whereas since the beginning of Title IX implementation, men's participation in intercollegiate sports has increased from 220,178 to 231,866, and women's participation has increased from 31,852 to 162,783;

Whereas the number of girls participating in athletics at the high school varsity level has increased from 294,015 in 1972 to 2,784,154 in 2001, an 847 percent increase;

Whereas equal opportunity in athletics does not exist, despite the strides made by Title IX, as, for example, only 42 percent of college athletes nationwide are female and female athletes receive \$133 million fewer scholarship dollars per year than their male counterparts;

Whereas nothing in Title IX or its policies requires schools to reduce men's opportunities to come into compliance with participation requirements and 72 percent of colleges and universities that have added women's teams have done so without cutting any teams for men;

Whereas recommendations made by the Commission for Opportunities in Athletics for changes to the Title IX athletics policies would seriously weaken Title IX's protections and result in significant losses in participation opportunities and scholarships from those to which women and girls are entitled under current law; and

Whereas these recommended changes to the Title IX athletics policies would allow a school that fails to equally accommodate its male and female students to be in compliance with Title IX without having to fully demonstrate that discrimination does not exist in its athletic programs: Now, therefore, be it

1 *Resolved*, That it is the sense of the House of Rep-
2 resentatives that—

3 (1) proposed changes to Title IX athletics poli-
4 cies contradict the spirit of athletic equality and gen-
5 der equity;

6 (2) current Title IX athletics policies, the De-
7 partment of Education’s 1979 Policy Interpretation,
8 as clarified in the 1996 Clarification of Intercolle-
9 giate Athletics Policy Guidance, should remain un-
10 changed and enforced vigorously to eliminate the
11 continuing discrimination against women and girls
12 in athletics; and

13 (3) if the Department of Education changes
14 Title IX athletics policies, Congress should restore
15 the intent of Title IX through policies that preserve
16 the right to equal opportunities in athletics.

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